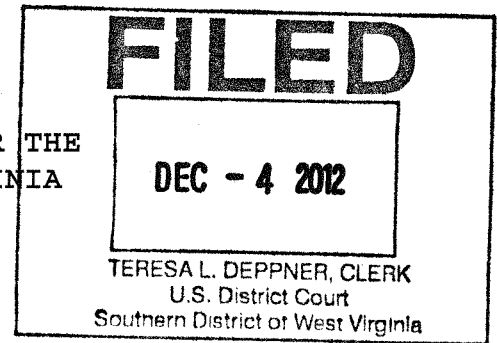


UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2011  
DECEMBER 4, 2012



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

*2:12-cr-00221*

18 U.S.C. § 371

18 U.S.C. § 844(i)

18 U.S.C. § 3

18 U.S.C. § 2

MICHAEL L. WHITE

I N D I C T M E N T

The Grand Jury charges:

COUNT ONE  
(Conspiracy)

Background

At all relevant times:

1. Defendant MICHAEL L. WHITE owned a two-apartment residential building (the "Van Duplex") located on Route 85 near the community of Bigson and the Town of Van, in Boone County, West Virginia.

2. Defendant MICHAEL L. WHITE used the Van Duplex in interstate commerce and in an activity affecting interstate commerce in that he rented and maintained and offered the two apartments in that building for rent to the general public.

3. Defendant MICHAEL L. WHITE maintained a property insurance policy on the Van Duplex insuring him against loss or damage to that property occasioned by, among other things, fire.

Conspiracy

4. From at least the late summer of 2009 through and until at least the spring of 2010, at or near Van, Boone County, and Chapmanville, Logan County, West Virginia, within the Southern District of West Virginia and elsewhere, Defendant MICHAEL L. WHITE, together with Kimberly Dawn Kinder, named herein as an unindicted co-conspirator, and her spouse, now deceased, did knowingly conspire to commit offenses against the United States, that is:

- a. to maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, the Van Duplex, which was used in, and in an activity affecting, interstate commerce, in violation of 18 U.S.C. § 844(i); and
- b. to knowingly devise and attempt to devise an artifice and scheme to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice and attempting to do so, knowingly caused to be

delivered by mail or such carrier according to the direction thereon and at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter and thing, in violation of 18 U.S.C. § 1341.

**Object of the Conspiracy**

5. It was an object of the conspiracy for Defendant MICHAEL L. WHITE and his co-conspirators to unlawfully enrich themselves by collecting and sharing the proceeds from the insurance policy covering the Van Duplex, payment from which was issued as a result of their intentional destruction of that building.

**Overt Acts in Furtherance of the Conspiracy**

6. To effect the objects of the conspiracy, Defendant MICHAEL L. WHITE and his co-conspirators would and did commit the following and other overt acts within the Southern District of West Virginia:

- a. Sometime in approximately the late summer of 2009, Defendant MICHAEL L. WHITE asked Kimberly Dawn Kinder and her spouse to commit insurance fraud by having the Kinders set fire to the Van Duplex owned by Defendant MICHAEL L. WHITE;

- b. On the evening of October 15, 2009, Kimberly Dawn Kinder and her spouse traveled to the Van Duplex;
- c. Kimberly Dawn Kinder and her spouse entered one of the then-abandoned apartments;
- d. Kimberly Dawn Kinder's spouse, using an accelerant, set fire to flammable materials found in that apartment resulting in a fire that consumed most of that building;
- e. On or about October 16, 2009, Defendant MICHAEL L. WHITE submitted a property damage claim to the insurer of the Van Duplex;
- f. On or about October 19, 2009, Defendant MICHAEL L. WHITE falsely stated to an insurance company representative that he had no knowledge of who was responsible for the fire damage to the Van Duplex when, in truth and fact as Defendant MICHAEL L. WHITE then well knew, the fire was set by the spouse of Kimberly Dawn Kinder, with her aid and assistance, at Defendant MICHAEL L. WHITE's request;
- g. On or about November 12, 2009, Defendant MICHAEL L. WHITE deposited a check into his bank account

in the amount of approximately \$80,000 received from the insurer; and

- h. On several occasions between October 15, 2009 and the spring of 2010, Defendant MICHAEL L. WHITE paid Kimberly Dawn Kinder and her spouse approximately \$2,000 in small cash increments in exchange for setting fire to the Van Duplex.

In violation of Title 18, United States Code, Section 371.

COUNT TWO  
(Arson)

1. The Grand Jury realleges and incorporates paragraphs One through Three, and Six of Count One as if set forth fully herein.

2. On or about October 15, 2009, at or near Van, Boone County, West Virginia, within the Southern District of West Virginia and elsewhere, Defendant MICHAEL L. WHITE, did knowingly aid, abet, counsel, command, and induce, and procure the commission of an offense against the United States by Kimberly Dawn Kinder, not named herein as a defendant, and her spouse, now deceased, to maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, the Van Duplex, which was used in interstate commerce, and in an activity affecting interstate commerce, owned by Defendant MICHAEL L. WHITE.

In violation of Title 18, United States Code, Sections 844(i) and 2.

**COUNT THREE**  
**(Accessory after the Fact)**

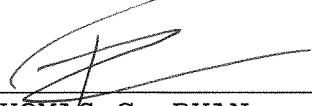
1. The Grand Jury realleges and incorporates paragraphs One through Three and Six of Count One as if set forth fully herein.

2. On or about February 17, 2010, at or near Chapmanville, Logan County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant MICHAEL L. WHITE, knowing that an offense against the United States had been committed, that is, arson in violation of 18 U.S.C. § 844(i), did knowingly comfort and assist Kimberly Dawn Kinder, named herein as an unindicted offender, in order to hinder and prevent her apprehension, trial and punishment, that is, defendant MICHAEL L. WHITE falsely stated to an insurance representative that a former tenant purposefully burned the Van Duplex on or about October 15, 2009, when in truth and in fact as he then well knew, Kimberly Dawn Kinder was involved in said arson of the Van Duplex.

In violation of Title 18, United States Code, Section 3.

R. BOOTH GOODWIN II  
United States Attorney

By: \_\_\_\_\_

  
THOMAS C. RYAN  
Assistant United States Attorney